

Calendar No. 164

111TH CONGRESS
1ST SESSION**S. 806****[Report No. 111-77]**

To provide for the establishment, administration, and funding of Federal Executive Boards, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 2, 2009

Mr. VOINOVICH (for himself, Mr. AKAKA, and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

SEPTEMBER 22, 2009

Reported by Mr. LIEBERMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To provide for the establishment, administration, and funding of Federal Executive Boards, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Executive
5 Board Authorization Act of 2009”.

1 **SEC. 2. FEDERAL EXECUTIVE BOARDS.**

2 (a) ~~IN GENERAL.~~—Chapter 11 of title 5, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 1106. Federal Executive Boards**

6 “(a) ~~PURPOSES.~~—The purposes of this section are
7 to—

8 “(1) strengthen the coordination of Government
9 activities;

10 “(2) facilitate interagency collaboration to im-
11 prove the efficiency and effectiveness of Federal pro-
12 grams;

13 “(3) facilitate communication and collaboration
14 on Federal emergency preparedness and continuity
15 of operations to address homeland security issues,
16 including natural disasters, acts of terrorism, and
17 other man-made disasters, outside the Washington,
18 DC metropolitan area; and

19 “(4) provide stable funding for Federal Execu-
20 tive Boards.

21 “(b) ~~DEFINITIONS.~~—In this section:

22 “(1) ~~AGENCY.~~—The term ‘agency’—

23 “(A) means an Executive agency as de-
24 fined under section 105; and

25 “(B) shall not include the Government Ac-
26 countability Office.

1 “(2) DIRECTOR.—The term ‘Director’ means
2 the Director of the Office of Personnel Management.

3 “(3) FEDERAL EXECUTIVE BOARD.—The term
4 ‘Federal Executive Board’ means an interagency en-
5 tity established by the Director, in consultation with
6 the headquarters of appropriate agencies, in a geo-
7 graphic area with a high concentration of Federal
8 employees outside the Washington, DC metropolitan
9 area to strengthen the management and administra-
10 tion of agency activities and coordination among
11 local Federal officers to implement national initia-
12 tives in that geographic area.

13 “(c) ESTABLISHMENT.—

14 “(1) IN GENERAL.—The Director shall establish
15 Federal Executive Boards in geographic areas out-
16 side the Washington, DC metropolitan area. Before
17 establishing Federal Executive Boards that are not
18 in existence on the date of enactment of this section,
19 the Director shall consult with the headquarters of
20 appropriate agencies to determine the number and
21 location of the Federal Executive Boards.

22 “(2) MEMBERSHIP.—Each Federal Executive
23 Board for a geographic area shall consist of an ap-
24 propriate senior officer for each agency in that geo-
25 graphic area. The appropriate senior officer may

1 designate, by title of office, an alternate representa-
 2 tive who shall attend meetings and otherwise rep-
 3 resent the agency on the Federal Executive Board in
 4 the absence of the appropriate senior officer. An al-
 5 ternate representative shall be a senior officer in the
 6 agency.

7 “(3) LOCATION OF FEDERAL EXECUTIVE
 8 BOARDS.—In determining the location for the estab-
 9 lishment of Federal Executive Boards, the Director
 10 shall consider—

11 “(A) whether a Federal Executive Board
 12 exists in a geographic area on the date of enact-
 13 ment of this section;

14 “(B) whether a geographic area has a
 15 strong, viable, and active Federal Executive As-
 16 sociation;

17 “(C) whether the Federal Executive Asso-
 18 ciation of a geographic area petitions the Direc-
 19 tor to become a Federal Executive Board; and

20 “(D) such other factors as the Director
 21 and the headquarters of appropriate agencies
 22 consider relevant.

23 “(d) ADMINISTRATION AND OVERSIGHT.—

1 “(1) IN GENERAL.—The Director shall provide
2 for the administration and oversight of Federal Ex-
3 ecutive Boards, including—

4 “(A) establishing staffing policies in con-
5 sultation with the headquarters of agencies par-
6 ticipating in Federal Executive Boards;

7 “(B) designating an agency to staff each
8 Federal Executive Board based on rec-
9 ommendations from that Federal Executive
10 Board;

11 “(C) establishing communications policies
12 for the dissemination of information to agen-
13 cies;

14 “(D) in consultation with the headquarters
15 of appropriate agencies, establishing perform-
16 ance standards for the Federal Executive Board
17 staff;

18 “(E) developing accountability initiatives
19 to ensure Federal Executive Boards are meet-
20 ing performance standards; and

21 “(F) administering Federal Executive
22 Board funding through the fund established in
23 subsection (f).

1 ~~“(2) STAFFING.—In making designations under~~
 2 ~~paragraph (1)(B), the Director shall give preference~~
 3 ~~to agencies staffing Federal Executive Boards.~~

4 ~~“(e) GOVERNANCE AND ACTIVITIES.—Each Federal~~
 5 ~~Executive Board shall—~~

6 ~~“(1) subject to the approval of the Director,~~
 7 ~~adopt by-laws or other rules for the internal govern-~~
 8 ~~ance of the Federal Executive Board;~~

9 ~~“(2) elect a Chairperson from among the mem-~~
 10 ~~bers of the Federal Executive Board, who shall serve~~
 11 ~~for a set term;~~

12 ~~“(3) serve as an instrument of outreach for the~~
 13 ~~national headquarters of agencies relating to agency~~
 14 ~~activities in the geographic area;~~

15 ~~“(4) provide a forum for the exchange of infor-~~
 16 ~~mation relating to programs and management meth-~~
 17 ~~ods and problems—~~

18 ~~“(A) between Federal officers and employ-~~
 19 ~~ees in the Washington, DC area and Federal of-~~
 20 ~~ficers and employees in the geographic area;~~
 21 ~~and~~

22 ~~“(B) among field elements in the geo-~~
 23 ~~graphic area;~~

1 “(5) develop local coordinated approaches to the
2 development and operation of programs that have
3 common characteristics;

4 “(6) communicate management initiatives and
5 other concerns from Federal officers and employees
6 in the Washington, DC area to Federal officers and
7 employees in the geographic area to achieve better
8 mutual understanding and support;

9 “(7) develop relationships with State and local
10 governments and nongovernmental organizations to
11 help in coordinating emergency management and
12 homeland security issues; and

13 “(8) take other actions as agreed to by the
14 Federal Executive Board and the Director.

15 “(f) FUNDING.—

16 “(1) ESTABLISHMENT OF FUND.—The Director
17 shall establish a fund within the Office of Personnel
18 Management for financing essential Federal Execu-
19 tive Board functions, including basic staffing and
20 operating expenses.

21 “(2) DEPOSITS.—There shall be deposited in
22 the fund established under paragraph (1)—

23 “(A) contributions from the Office of Per-
24 sonnel Management to fund administrative and

oversight activities conducted under subsection
(d);

~~“(B) contributions from the headquarters
of each agency participating in Federal Execu-
tive Boards, in an amount determined by a for-
mula established by the Director, in consulta-
tion with the headquarters of such agencies and
the Office of Management and Budget.~~

~~“(3) CONTRIBUTIONS.—~~

~~“(A) FORMULA.—The formula for con-
tributions established by the Director shall con-
sider the number of employees in each agency
in each geographic area served by a Federal
Executive Board. The contribution of the head-
quarters of each agency to the fund shall be re-
calculated at least every 2 years.~~

~~“(B) IN-KIND CONTRIBUTIONS.—At the
sole discretion of the Director, the headquarters
of an agency may provide in-kind contributions
instead of providing monetary contributions to
the fund.~~

~~“(4) USE OF EXCESS AMOUNTS.—Any unobli-
gated and unexpended balances in the fund which
the Director determines to be in excess of amounts
needed for essential Federal Executive Board func-~~

1 tions shall be allocated by the Director, in consulta-
 2 tion with the headquarters of agencies participating
 3 in Federal Executive Boards, among the Federal
 4 Executive Boards for the activities under subsection
 5 (e) and other priorities, such as conducting emer-
 6 gency preparedness training.

7 “(g) **REPORTS.**—The Director shall submit annual
 8 reports to Congress and agencies on Federal Executive
 9 Board program outcomes and budget matters.

10 “(h) **REGULATIONS.**—The Director shall prescribe
 11 regulations necessary to carry out this section.”.

12 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—
 13 The table of sections for chapter 11 of title 5, United
 14 States Code, is amended by inserting after the item relat-
 15 ing to section 1105 the following:

“1106. Federal Executive Boards.”.

16 **SECTION 1. SHORT TITLE.**

17 *This Act may be cited as the “Federal Executive Board*
 18 *Authorization Act of 2009”.*

19 **SEC. 2. FEDERAL EXECUTIVE BOARDS.**

20 (a) *IN GENERAL.*—Chapter 11 of title 5, United States
 21 Code, is amended by adding at the end the following:

22 **“§ 1106. Federal Executive Boards**

23 “(a) *PURPOSES.*—The purposes of this section are to—

24 “(1) *strengthen the coordination of Government*
 25 *activities;*

1 “(2) *facilitate interagency collaboration to im-*
 2 *prove the efficiency and effectiveness of Federal pro-*
 3 *grams;*

4 “(3) *facilitate communication and collaboration*
 5 *on Federal activities outside the Washington, D.C.*
 6 *metropolitan area; and*

7 “(4) *provide stable funding for Federal Executive*
 8 *Boards.*

9 “(b) *DEFINITIONS.—In this section:*

10 “(1) *AGENCY.—The term ‘agency’—*

11 *“(A) means an Executive agency as defined*
 12 *under section 105; and*

13 *“(B) shall not include the Government Ac-*
 14 *countability Office.*

15 “(2) *DIRECTOR.—The term ‘Director’ means the*
 16 *Director of the Office of Personnel Management.*

17 “(3) *FEDERAL EXECUTIVE BOARD.—The term*
 18 *‘Federal Executive Board’ means an interagency enti-*
 19 *ty established by the Director, in consultation with*
 20 *the headquarters of appropriate agencies, in a geo-*
 21 *graphic area with a high concentration of Federal*
 22 *employees outside the Washington, D.C. metropolitan*
 23 *area to strengthen the management and administra-*
 24 *tion of agency activities and coordination among*

1 *local Federal officers to implement national initia-*
2 *tives in that geographic area.*

3 “(c) *ESTABLISHMENT.*—

4 “(1) *IN GENERAL.*—*The Director shall establish*
5 *Federal Executive Boards in geographic areas outside*
6 *the Washington, D.C. metropolitan area. Before estab-*
7 *lishing Federal Executive Boards that are not in ex-*
8 *istence on the date of enactment of this section, the*
9 *Director shall consult with the headquarters of appro-*
10 *priate agencies to determine the number and location*
11 *of the Federal Executive Boards.*

12 “(2) *MEMBERSHIP.*—*Each Federal Executive*
13 *Board for a geographic area shall consist of an ap-*
14 *propriate senior officer for each agency in that geo-*
15 *graphic area. The appropriate senior officer may des-*
16 *ignate, by title of office, an alternate representative*
17 *who shall attend meetings and otherwise represent the*
18 *agency on the Federal Executive Board in the absence*
19 *of the appropriate senior officer. An alternate rep-*
20 *resentative shall be a senior officer in the agency.*

21 “(3) *LOCATION OF FEDERAL EXECUTIVE*
22 *BOARDS.*—*In determining the location for the estab-*
23 *lishment of Federal Executive Boards, the Director*
24 *shall consider—*

1 “(A) *whether a Federal Executive Board ex-*
 2 *ists in a geographic area on the date of enact-*
 3 *ment of this section;*

4 “(B) *whether a geographic area has a*
 5 *strong, viable, and active Federal Executive As-*
 6 *sociation;*

7 “(C) *whether the Federal Executive Associa-*
 8 *tion of a geographic area petitions the Director*
 9 *to become a Federal Executive Board; and*

10 “(D) *such other factors as the Director and*
 11 *the headquarters of appropriate agencies consider*
 12 *relevant.*

13 “(d) *ADMINISTRATION AND OVERSIGHT.—*

14 “(1) *IN GENERAL.—The Director shall provide*
 15 *for the administration and oversight of Federal Exec-*
 16 *utive Boards, including—*

17 “(A) *establishing staffing policies in con-*
 18 *sultation with the headquarters of agencies par-*
 19 *ticipating in Federal Executive Boards;*

20 “(B) *designating an agency to staff each*
 21 *Federal Executive Board based on recommenda-*
 22 *tions from that Federal Executive Board;*

23 “(C) *establishing communications policies*
 24 *for the dissemination of information to agencies;*

1 “(D) *in consultation with the headquarters*
 2 *of appropriate agencies, establishing performance*
 3 *standards for the Federal Executive Board staff;*

4 “(E) *developing accountability initiatives to*
 5 *ensure Federal Executive Boards are meeting*
 6 *performance standards; and*

7 “(F) *administering Federal Executive*
 8 *Board funding through the fund established in*
 9 *subsection (f).*

10 “(2) *STAFFING.—In making designations under*
 11 *paragraph (1)(B), the Director shall give preference to*
 12 *agencies staffing Federal Executive Boards.*

13 “(e) *GOVERNANCE AND ACTIVITIES.—Each Federal*
 14 *Executive Board shall—*

15 “(1) *subject to the approval of the Director,*
 16 *adopt by-laws or other rules for the internal govern-*
 17 *ance of the Federal Executive Board;*

18 “(2) *elect a Chairperson from among the mem-*
 19 *bers of the Federal Executive Board, who shall serve*
 20 *for a set term;*

21 “(3) *serve as an instrument of outreach for the*
 22 *national headquarters of agencies relating to agency*
 23 *activities in the geographic area;*

1 “(4) provide a forum for the exchange of infor-
 2 mation relating to programs and management meth-
 3 ods and problems—

4 “(A) between the national headquarters of
 5 agencies and the field; and

6 “(B) among field elements in the geographic
 7 area;

8 “(5) develop local coordinated approaches to the
 9 development and operation of programs that have
 10 common characteristics;

11 “(6) communicate management initiatives and
 12 other concerns from Federal officers and employees in
 13 the Washington, D.C. area to Federal officers and em-
 14 ployees in the geographic area to achieve better mu-
 15 tual understanding and support;

16 “(7) develop relationships with State and local
 17 governments and nongovernmental organizations to
 18 help in coordinating agency outreach; and

19 “(8) take other actions as agreed to by the Fed-
 20 eral Executive Board and the Director.

21 “(f) FUNDING.—

22 “(1) ESTABLISHMENT OF FUND.—The Director
 23 shall establish a fund within the Office of Personnel
 24 Management for financing essential Federal Executive
 25 Board functions—

1 “(A) including basic staffing and operating
2 expenses; and

3 “(B) excluding the costs of the Office of Per-
4 sonnel Management relating to administrative
5 and oversight activities conducted under sub-
6 section (d).

7 “(2) DEPOSITS.—There shall be deposited in the
8 fund established under paragraph (1) contributions
9 from the headquarters of each agency participating in
10 Federal Executive Boards, in an amount determined
11 by a formula established by the Director, in consulta-
12 tion with the headquarters of such agencies and the
13 Office of Management and Budget.

14 “(3) CONTRIBUTIONS.—

15 “(A) FORMULA.—The formula for contribu-
16 tions established by the Director shall consider
17 the number of employees in each agency in all
18 geographic areas served by Federal Executive
19 Boards. The contribution of the headquarters of
20 each agency to the fund shall be recalculated at
21 least every 2 years.

22 “(B) IN-KIND CONTRIBUTIONS.—At the sole
23 discretion of the Director, the headquarters of an
24 agency may provide in-kind contributions in-

1 *stead of providing monetary contributions to the*
 2 *fund.*

3 “(4) *USE OF EXCESS AMOUNTS.—Any unobli-*
 4 *gated and unexpended balances in the fund which the*
 5 *Director determines to be in excess of amounts needed*
 6 *for essential Federal Executive Board functions shall*
 7 *be allocated by the Director, in consultation with the*
 8 *headquarters of agencies participating in Federal Ex-*
 9 *ecutive Boards, among the Federal Executive Boards*
 10 *for the activities under subsection (e) and other prior-*
 11 *ities, such as conducting training.*

12 “(5) *ADMINISTRATIVE AND OVERSIGHT COSTS.—*
 13 *The Office of Personnel Management shall pay for*
 14 *costs relating to administrative and oversight activi-*
 15 *ties conducted under subsection (d) from appropria-*
 16 *tions made available to the Office of Personnel Man-*
 17 *agement.*

18 “(g) *REPORTS.—The Director shall submit annual re-*
 19 *ports to Congress and agencies on Federal Executive Board*
 20 *program outcomes and budget matters.*

21 “(h) *REGULATIONS.—The Director shall prescribe reg-*
 22 *ulations necessary to carry out this section.”.*

23 “(b) *REPORT.—Not later than 60 days after the date*
 24 *of enactment of this Act, the Director of the Office of Per-*
 25 *sonnel Management shall submit a report to the Committee*

1 *on Homeland Security and Governmental Affairs of the*
 2 *Senate and the Committee on Oversight and Government*
 3 *Reform of the House of Representatives that includes—*

4 (1) *a description of essential Federal Executive*
 5 *Board functions;*

6 (2) *details of basic staffing requirements for each*
 7 *Federal Executive Board;*

8 (3) *estimates of basic staffing and operating ex-*
 9 *penses for each Federal Executive Board; and*

10 (4) *a comparison of basic staffing and operating*
 11 *expenses for Federal Executive Boards operating be-*
 12 *fore the date of enactment of this Act and such ex-*
 13 *penses for Federal Executive Boards after the imple-*
 14 *mentation of this Act.*

15 (c) *TECHNICAL AND CONFORMING AMENDMENTS.—The*
 16 *table of sections for chapter 11 of title 5, United States*
 17 *Code, is amended by inserting after the item relating to*
 18 *section 1105 the following:*

“1106. *Federal Executive Boards.*”.

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111TH CONGRESS
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[Report No. 111-77]

A BILL

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and funding of Federal Executive Boards, and
for other purposes.

SEPTEMBER 22, 2009

Reported with an amendment